

RESNICK & LOUIS, P.C.

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Attorneys for Defendant,

Swift Transportation Co. of Arizona, LLC

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

LAURA PETERS,

Plaintiffs,

v.

SWIFT TRANSPORTATION CO. OF
ARIZONA, LLC; DOE DRIVER; DOES I
through XX, inclusive; and ROE BUSIENSS
ENTITIES I through XX, inclusive,

Defendants.

CASE NO.:

**SWIFT TRANSPORTATION CO. OF
ARIZONA, LLC'S NOTICE OF
REMOVAL PURSUANT TO 28 U.S.
CODE § 1446**

Defendant, SWIFT TRANSPORTATION CO. OF ARIZONA, LLC ("Swift"), by and through its counsel of record, Melissa J. Roose, Esq. and Carissa C. Christensen, Esq., of the law offices of RESNICK & LOUIS, P.C., hereby gives notice of removal of this action to the United States District Court for the District of Nevada from the Nevada Eighth Judicial District Court in and for Clark County. This Notice of Removal is signed pursuant to Fed. R. Civ. P. 11.

In support of this Notice of Removal, Swift states and alleges as follows:

- 1 1. This Court has original jurisdiction over the subject matter of this action under the
2 provisions of 28 U.S.C. § 1332 in that there is complete diversity between the
3 parties and more than \$75,000 in controversy, exclusive of interests and costs.
- 4 2. Swift is a defendant in the above-entitled action now pending in the Eighth Judicial
5 District, Clark County, Nevada, Case No. A-19-783704-C. Swift is an Arizona
6 Corporation with its principal place of business in that state.
- 7 3. Plaintiff, Laura Peters, is a citizen of the State of Nevada.
- 8 4. With respect to the amount in controversy, Plaintiff's Amended Complaint alleges
9 damages in excess of \$15,000. On May 10, 2019, defense counsel spoke with
10 Natalie of Plaintiff's counsel's office who advised that Plaintiff was alleging
11 medical specials in excess of \$75,000. Plaintiff would also be seeking property
12 damages and punitive damages. See Exhibit A affidavit. These figures clearly
13 exceed the amount in controversy of \$75,000. Thus, this Court has jurisdiction to
14 entertain this matter based on diversity jurisdiction.
- 15 5. The Notice of Removal is timely. Plaintiff initially filed her Complaint on April 26,
16 2019. Plaintiff served the Summons and Complaint on Swift on May 1, 2019.
17 Thereafter, Plaintiff filed her Amended Complaint on May 10, 2019. Service of the
18 Amended Complaint was made to Swift's counsel on or about May 10, 2019.
19 Removal is timely pursuant to 28 U.S. Code § 1446(b)(3) as Plaintiff's initial
20 Complaint was served less than 30 days prior to this Notice of Removal.
- 21 6. Copies of Plaintiff's Complaint, Amended Complaint, Summonses, and Proof of
22 Service with respect to Swift are attached hereto as Exhibit B. This constitutes all
23 of the papers and pleadings served on Swift.
- 24 7. Copies of Swift's Answer, Disclosure Statement, and Jury Demand are attached
25 hereto as Exhibit C. This constitutes all of the papers and pleadings filed by Swift.
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1 8. Swift has concurrently filed a copy of this Notice of Removal with the Clark County
2 District Court Clerk and has served a copy of this document upon Plaintiff.

3 Based upon the foregoing, Swift hereby removes the above action now pending in the
4 Eighth Judicial District, Clark County, Nevada, Case No. A-19-783704-C, to this Court.
5 DATED this 23rd day of May, 2019.

6 **RESNICK & LOUIS, P.C.**

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8 By:


9 Melissa J. Roose, Esq., SBN: 7889
10 Carissa C. Christensen, Esq., SBN: 14692
11 8925 W. Russell Road, Suite 220
12 Las Vegas, NV 89148
13 *Attorneys for Defendant,*
14 *Swift Transportation Co. of Arizona, LLC*
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that service of the foregoing **SWIFT TRANSPORTATION CO. OF ARIZONA, LLC'S NOTICE OF REMOVAL PURSUANT TO 28 U.S. CODE § 1446** was served this 23rd day of May 2019, by:

- ☐ **BY U.S. MAIL:** by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Las Vegas, Nevada, addressed as set forth below.
- ☐ **BY FACSIMILE:** by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m. pursuant to EDCR Rule 7.26(a). A printed transmission record is attached to the file copy of this document.
- ☐ **BY PERSONAL SERVICE:** by causing personal delivery by an employee of Resnick & Louis, P.C. of the document(s) listed above to the person(s) at the address(es) set forth below.
- ☒ **BY ELECTRONIC SERVICE:** by transmitting via the Court's electronic filing services the document(s) listed above to the Counsel set forth on the service list on this date pursuant to EDCR Rule 7.26(c)(4).

Ramzy Paul Ladah, Esq.
LADAH LAW FIRM
517 S. Third Street
Las Vegas, NV 89101
Counsel for Plaintiff


An Employee of Resnick & Louis, P.C.